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PATENT CASE:JB0600Q

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

RAVNIKAR et al. : Examiner: RAILEY, J.

For Patent For: : Group Art Unit: 1636

EXPRESSION OF SOLUBLE
HETEROLOGOUS PROTEINS IN
BACTERIA UTILIZING A
THIOREDOXIN/PROTEIN
EXPRESSION VECTOR

Serial No.:08/846,606

Filed: April 30, 1997

Schering-Plough Corporation Kenilworth, New Jersey 07033

Assistant Commissioner for Patents Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

We, Paula D. Ravnikar and Robert Greenberg, declare as follows:

- 1. That we are the co-inventors of the subject matter disclosed and claimed in the above-identified application;
- 2. That we are employed by the Schering-Plough Research Institute (SPRI) which is a division of Schering Corporation, the assignee of the above-identified application;
- 2. That we caused experiments to be carried out in the United States of America which resulted, prior to October 1, 1995, in the construction of a vector containing both a nucleic acid sequence encoding a thioredoxin protein and a nucleic acid encoding a heterologous protein, which vector was capable of causing the expression of the thioredoxin

TECHUOLOGY CENTER 300

protein and the heterologous protein as separate, non-fused proteins wherein the heterologous protein was expressed in soluble form;

- 3. That Exhibits A-C attached to this Declaration are true copies of pages from a permanently bound Notebook numbered 31163, assigned to Paula Ravnikar and maintained at SPRI ("the Ravnikar Notebook");
- 4. That Exhibit A consists of true copies of pages 20-27 of the Ravnikar Note Book and describes experiments resulting in the cloning of the *E. coli* thioredoxin gene;
- 5. That Exhibit B consists of true copies of pages 84-89 of the Ravnikar Note Book and describes experiments resulting in the translational coupling, in a single plasmid, of the *E.* coli thioredoxin gene and the human interleukin-13 gene;
- 6. That Exhibit C, consists of true copies of pages 92-94 and 96-98 of the Ravnikar Note Book and describes experiments demonstrating the expression of human interleukin-13 in bacteria using the coupled translational plasmid the construction of which plasmid is referred to in Exhibit B; and
- 7. That although the dates on the note book pages referred to in Paragraphs 3-6 have been masked, we hereby confirm that the studies described in those notebook pages were carried out in the United States of America prior to October 1, 1995.

We hereby further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true, and further, that we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4 17 98

Paula D. Ravnikar, Ph.D.

Robert Greenberg, Ph.D.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING PEPOSITED WITH THE U.S. POSTAL SERVICE CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS,

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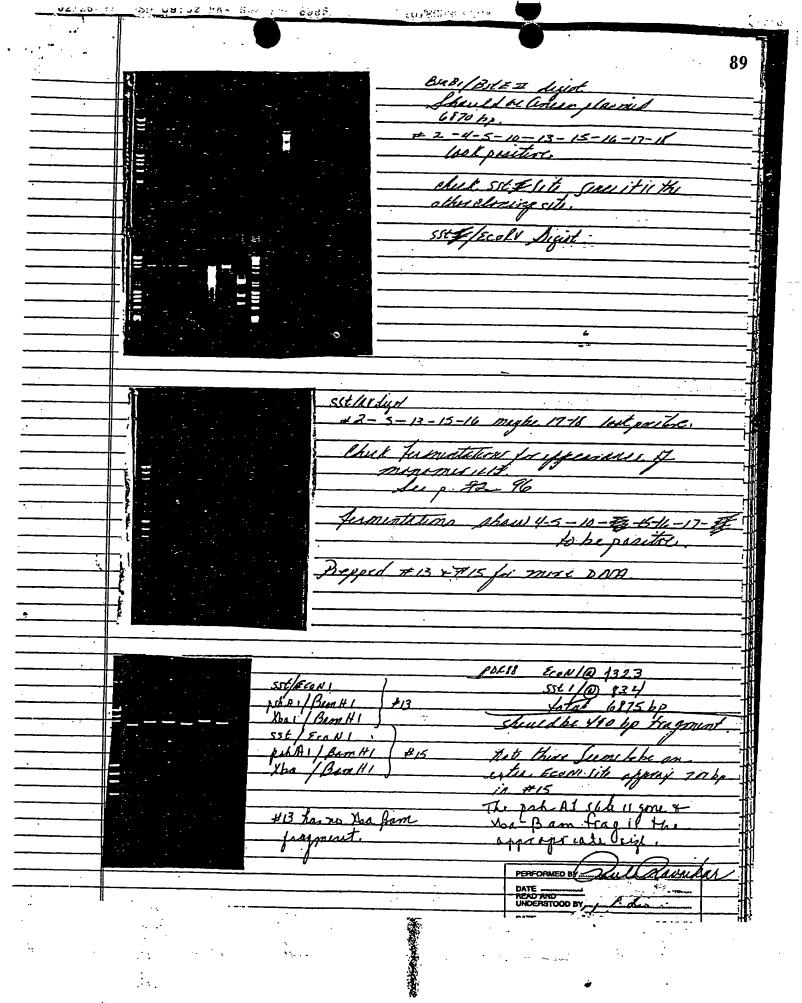
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